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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,281	12/12/2001	Michael Wayne Brown	AUS920010819US1	7038

7590

08/12/2004

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EXAMINER

ELAHEE, MD S

ART UNIT PAPER NUMBER

2645

DATE MAILED: 08/12/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,281

Applicant(s)

BROWN ET AL.

Examiner

Md S Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 52 and 53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 06/04/04. Claims 1-21, 52 and 53 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-21, 52 and 53 have been fully considered but they are not persuasive.

The applicant provides a series of conclusory statements, which are repeated throughout pages 2-5. For example, after providing a general characterization of the prior art McAllister as discussed above, the applicant then introduces a distinct conclusion that McAllister does not disclose "externally identifying a particular caller" including "receiving a voice utterance for a caller at a server external to a trusted telephone network.....". Then the applicant immediately introduces another distinct conclusion that "McAllister does not address trusted and untrusted telephone networks or externally identifying a particular caller" (page 2, paragraph 4). None of these conclusions seem to follow from the applicant's brief characterization of the prior art and are thus unsupported by argument.

The reply by the applicant...must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references.

....

A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

Here, the applicant has failed to provide specific arguments that point out the distinctions believed to render the claims patentable but instead offers a series of unsupported and general conclusions that amount to general allegations as discussed above. Thus, applicant's arguments fail to comply with 37 CFR.111(b). It is a fundamental concept in administrative law that proper notice (e.g., notice to both the public and to the Office concerning the supposed errors in the examiner's Office action) should include specific and clear arguments that support the applicant's general conclusions.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-7, 9-12, 14-16, 18-20, 52 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al. (U.S. Patent No. 6,442,242).

Regarding claim 1, McAllister teaches receiving speech for a caller at the voice processor 20 external to the PBX 10 (fig.1; col.5, lines 48-67, col.6, lines 1-3, 24-43; 'speech' reads on the claim 'a voice utterance', 'voice processor 20' reads on the claim 'server' and 'PBX 10' reads on the claim 'trusted telephone network'). (Note: PBX functionality may be provided by telephonic central office (CO) equipment such as CENTREX service (see col.4, lines 44-49))

McAllister further teaches a caller identity associated with the speech at the voice processor 20, such that the caller identity is transmittable within the PBX 10 as an authenticated identity of the caller for a call (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'speech' reads on the claim 'a voice utterance', 'voice processor 20' reads on the claim 'server' and 'PBX 10' reads on the claim 'trusted telephone network'). (Note: The claimed "trusted" means reliable according to Merriam-Webster's Collegiate Dictionary. Examiner interprets the claimed "trusted telephone network" as a telephone network with providing a reliable and secured communication between two parties. The PBX 10 of McAllister inherently has such reliability and security voice communication features that enable two parties to communicate without being interrupted by any third party. Therefore, PBX 10 of McAllister reads on the claimed "trusted telephone network".)

Regarding claims 2 and 11, McAllister teaches receiving speech through a connection between the voice processor 20 and the PBX 10 (fig.1; col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-43; 'speech' reads on the claim 'a voice utterance', 'connection' reads on the claim 'secure channel', 'voice processor 20' reads on the claim 'server' and 'PBX 10' reads on the claim 'trusted telephone network').

Regarding claims 3 and 12, McAllister teaches receiving, at the voice processor 20, a request for a caller identity from the PBX 10 (fig.1; col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-43; 'voice processor 20' reads on the claim 'server', 'caller identity' reads on the claim 'caller identity authentication service' and 'PBX 10' reads on the claim 'trusted telephone network').

McAllister further teaches prompting the caller to provide the speech (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'speech' reads on the claim 'a voice utterance').

Regarding claims 5 and 14, McAllister teaches the PBX 10 comprising a plurality of subscriber telephone stations (fig.1; col.4, lines 44-53; 'PBX 10' reads on the claim 'trusted telephone network' and 'plurality of subscriber telephone stations' reads on the claim 'public switching telephone network').

Regarding claims 6 and 15, McAllister teaches a private automatic branch exchange (fig.1; col.4, lines 44-53; 'private automatic branch exchange' reads on the claim 'private switching system').

Regarding claim 7, McAllister teaches accessing the voice processor 20 from the PBX 10 through an Internet connection (fig.1; col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-52; 'voice processor 20' reads on the claim 'server' and 'PBX 10' reads on the claim 'trusted telephone network').

Regarding claims 9 and 19, McAllister teaches transferring the caller identity to the PBX 10 switch through a connection (fig.1; col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-43; 'the PBX 10 switch' reads on the claim 'trusted telephone network' and 'connection' reads on the claim 'secure channel').

Regarding claim 10, McAllister teaches the voice processor 20 communicatively connected to a PBX 10 by an external network (fig.1; col.4, lines 58-65, col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-43; 'voice processor 20' reads on the claim 'server system' and 'PBX 10' reads on the claim 'trusted telephone network').

McAllister teaches receiving speech for a caller at the voice processor 20 external to the PBX 10 (fig.1; col.5, lines 48-67, col.6, lines 1-3, 24-43; 'speech'

Art Unit: 2645

reads on the claim 'a voice utterance', 'voice processor 20' reads on the claim 'server' and 'PBX 10' reads on the claim 'trusted telephone network').

McAllister further teaches identifying a caller identity associated with the speech (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'speech' reads on the claim 'a voice utterance').

McAllister further teaches transmitting the caller identity to the PBX 10 as an authenticated identity of the caller for a call (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'PBX 10' reads on the claim 'trusted telephone network').

Regarding claim 16, McAllister teaches that the external network is the internet (fig.1; col.6, lines 24-52).

Regarding claims 18 and 20, McAllister teaches database (col.6, lines 24-43; 'database' reads on the claim 'recording medium').

McAllister further teaches receiving speech for a caller at the voice processor 20 communicatively connected to a PBX 10 via an external network (fig.1; col.4, lines 58-65, col.5, lines 39-43, 48-67, col.6, lines 1-3, 24-43; 'receiving speech' reads on the claim 'enabling receipt of a voice utterance', 'voice processor 20' reads on the claim 'server system' and 'PBX 10' reads on the claim 'trusted telephone network').

McAllister further teaches identifying a caller identity associated with the speech (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'speech' reads on the claim 'a voice utterance').

McAllister further teaches controlling transmission of the caller identity to the PBX 10 as an authenticated identity of the caller for a call (col.6, lines 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'PBX 10' reads on the claim 'trusted telephone network').

Art Unit: 2645

Regarding claim 52, McAllister teaches receiving, from a PBX 10, a caller identity for a caller at a telephony device wherein the caller identity is identified at a voice processor 20 accessible via a network external to the PBX 10, wherein the PBX 10 initiates the identification service (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'PBX 10' reads on the claim 'trusted telephone network', 'caller identity' reads on the claim 'authenticated caller identity' and 'identified at a voice processor 20' reads on the claim 'authenticated at a authentication service').

McAllister further teaches controlling output of the caller identity from the telephony device, such that the desired party with access to the telephony device is informed of the identity of the caller (fig.1, fig.2, fig.4; col.5, lines 48-67, col.6, lines 1-3, 24-43, col.7, lines 18-32, 55-67, col.8, lines 1-10; 'caller identity' reads on the claim 'authenticated caller identity' and 'desired party' reads on the claim 'individual').

Regarding claim 53, McAllister teaches receiving, at a telephony device, connection via a PBX 10 to an identification service, wherein the PBX 10 initiates the identification service (fig.1; col.12, lines 6-15, col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; 'connection' reads on the claim 'secure channel', 'PBX 10' reads on the claim 'trusted telephone network' and 'identification' reads on the claim 'authentication').

McAllister further teaches facilitating, from the telephony device, communications between the identification service and a caller such that the identification service is enabled to identify an identity of the caller (fig.1; col.12, lines 6-15, col.13, lines 41-60, col.17, lines 62-67, col.18, lines 1-25; 'identification' reads on the claim 'authentication' and 'identify' reads on the claim 'authenticate').

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,442,242) and in view of Bartholomew et al. (U.S. Patent No. 6,167,119).

Regarding claims 4, 13 and 21, McAllister fails to teach “extracting speech characteristics from said voice utterance”. Bartholomew teaches extracting certain characteristic information from the speech (col.13, lines 41-60, col.20, lines 41-49; ‘certain characteristic information’ reads on the claim ‘speech characteristics’ and ‘speech’ reads on the claim ‘voice utterance’). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow extracting speech characteristics from said voice utterance as taught by Bartholomew. The motivation for the modification is to have doing so in order to make comparison of a caller speech.

McAllister further fails to teach “comparing said speech characteristics with a plurality of voice samples stored for identifying a plurality of callers”. Bartholomew teaches comparing the extracted characteristic information with a stored pattern information for identifying a caller (col.13, lines 41-60, col.20, lines 41-49; ‘certain characteristic information’ reads on the claim ‘speech characteristics’, ‘stored pattern information’ reads on the claim ‘plurality of voice samples stored’ and ‘caller’ reads

Art Unit: 2645

on the claim 'plurality of callers'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow comparing said speech characteristics with a plurality of voice samples stored for identifying a plurality of callers as taught by Bartholomew. The motivation for the modification is to have doing so in order to verify the identity of the caller.

7. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,442,242) and in view of Yoon et al. (U.S. Pub. No. 2001/0047414).

Regarding claim 8, McAllister fails to teach "accessing said server from said trusted telephone network through a private network connection". Yoon teaches accessing the IP from the PSTN network through a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; 'IP' reads on the claim 'server', 'PSTN network' reads on the claim 'trusted telephone network' and 'dedicated private network' reads on the claim 'private network connection'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow accessing the server through a private network connection as taught by Yoon. The motivation for the modification is to have the private network connection in order to make use of private lines over carrier transmission facilities.

Regarding claim 17, McAllister fails to teach "external network is a private network". Yoon teaches that external network is a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; 'dedicated private network' reads on the claim 'private network'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister to allow external network as a private network connection as taught by Yoon. The motivation for the modification

Art Unit: 2645

is to have the private network connection in order to make use of private lines over carrier transmission facilities.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Truchon et al. (U.S. Patent No. 6,144,723) teach Method and apparatus for providing voice assisted call management in a telecommunications network and Polcyn (U.S. Patent No. 6,614,885) teach System and method for operating a highly distributed interactive voice response system. References Truchon clearly teach the claimed invention (see col.3, lines 8-34, col.7, lines 23-47, 59-67, col.8, lines 1-25, 42-65) and Polcyn clearly teach the claimed invention (see col.4, lines 1-46, 60-67, col.5, lines 1-21).

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is

Art Unit: 2645

(703)305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 9, 2004

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